IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Ram Pratap Dhayal vs. Rajasthan Public Service Commission through its Secretary.
(S.B.C.Writ Petition No.4828/02)

Date of Order :- 6th October, 2006.

PRESENT

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr.P.P.Choudhary, Advocate for the petitioner.
Mr.Siddarth Joshi, Advocate for the respondent.

The petitioner Ram Pratap Dhayal has challenged the order dated 28th November, 2002 wherby the Rajasthan Public Service Commission(for short "R.P.S.C.") rejected his candidature for appointment on the post of Motor Vehicle Sub Inspector in relation to the recruitment of the year 2001 pursuant to advertisement dated 15th October, 2001. According to condition no. 13.3 of the advertisement, a candidate applying for appointment on the post of Motor Vehicle Sub Inspector was required to possess amongst other

qualifications, the experience of working at least of one year with some reputed automobile workshop in which the repair work of petrol and diesel engine of light motor vehicles and heavy motor vehicles was done. The petitioner submitted the certificate of `Standard Motors' issued to him by Manager (Works) of Standard Motors dated 20.8.1998 wherein it was certified that he had worked in their workshop from 16.7.97 to 20.8.98 as workshop supervisor(Trainee) as part time in maintenance work of light and H.T.V. Petrol and diesel vehicles. The respondents rejected his application on the premise that the experience certificate secured on part time basis would not qualify the requirement of clause 13.3 of the advertisement. When this was known to the petitioner, he submitted another certificate dated 12.11.2003 of the same workshop and for the same period. However, this time his certificate was signed by someone else who also described himself as Manager of the workshop of the Standard Motors. The certificate stated that petitioner had full experience but did not state whether this experience was part time or of full time basis.

I have heard Mr.P.P.Choudhary, learned counsel for the petitioner and Mr. Siddarth Joshi, learned counsel for the respondents and perused the record.

The condition of service and recruitment thereto are regulated by Rajasthan Transport Subordinate Service Rules, 1985(for short "Rules of 1985"). The respondent R.P.S.C. initiated the recruitment process for appointment on the said post in accordance with the provisions of the said rules. The Schedule appended to the said rules categorically provided that a candidate was required to possess the experience of one year in some reputed automobile workshop in which the repair work of petrol and diesel engine of light motor vehicles and heavy motor vehicles takes place. It was therefore submitted that in clause 13.3 of the advertisement, the respondent R.P.S.C. clearly indicated that only such candidate who possess experience of one year would be eligible to apply. On scrutiny of the applications received, as per the averments in their reply, the R.P.S.C. has found as many as 127 candidates to be

ineligible therefore rejected their candidature although such scrutiny was made subsequent to the candidates having passed the qualifying examination. When the petitioner produced his experience certificate at the interview, it was found that that kind of certificate and the information thereof did not find favour with the interview board and therefore the R.P.S.C. in their counter before this Court has now averred "that the certificate produced by the petitioner did not inspire confidence and therefore his candidature was rejected." The R.P.S.C. has asserted that experience was required to be obtained as a full time worker and not a part time worker and therefore the petitioner cannot be said to have acquired the requisite experience. A comparison of the two certificates would also bear it out that while in the first certificate it has been stated that petitioner worked in the said workshop from 16.7.97 to 20.8.98 as a workshop supervisor(trainee) as part time, the subsequent certificate again from the same workshop did not specifically state either he worked on full time or part time basis but merely mention that the petitioner had acquired full experience of working. The first certificate was signed by

Manager(works) of the Standard Motors and second certificate again issued by the Manager but on comparison of signatures by a different person.

In the light of all these facts, I am not persuaded to accept the argument of the learned counsel for the petitioner that action of the respondents R.P.S.C. in rejecting the candidature of the petitioner was in any manner illegal. The respondent R.P.S.C. in the scrutiny of the application forms has rejected as many as 127 applications where such defects were found. The petitioner has also submitted two certificates of the same company without mentioning the experience of part time or full time .

In the result, I do not find any merit in this writ petition. The same is accordingly rejected. There shall be no order as to costs.

(MOHAMMAD RAFIQ),J.